

**UTAH
BOATING ACT
AND
BOARD OF PARKS & RECREATION BOATING RULES**
TITLE 73, CHAPTER 18, UTAH CODE ANNOTATED 1953

As Amended

Updated as of April 2007

Note: Rules of the Board are preceded by R651

73-18-1. Statement of policy.

It is the policy of this state to regulate and promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws and to adopt and pursue an educational program in relation thereto.

73-18-2. Definitions.

As used in this chapter:

- (1) "Board" means the Board of Parks and Recreation.
- (2) "Boat livery" means an entity which holds any vessel for renting, leasing, or chartering.
- (3) "Carrying passengers for hire" means to transport persons on vessels or to lead persons on vessels for consideration.
- (4) "Consideration" means something of value given or done in exchange for something given or done by another.
- (5) "Dealer" means any person who is licensed by the appropriate authority to engage in and who is engaged in the business of buying and selling vessels or of manufacturing them for sale.
- (6) "Division" means the Division of Parks and Recreation.
- (7) "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.
- (8) "Operate" means to navigate, control, or otherwise use a vessel.
- (9) "Operator" means the person who is in control of a vessel while it is in use.
- (10) "Outfitting company" means any person who, for consideration:
 - (a) provides equipment to transport persons on rivers; and
 - (b) supervises guides who operate vessels to transport passengers or to lead persons on vessels.

(11) "Owner" means a person, other than a lien holder, holding a proprietary interest in or the title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest by another person, reserved or created by agreement and securing payment or performance of an obligation. The term does not include a lessee under a lease not intended as security.

(12) "Personal watercraft" means a motorboat that is:

(a) less than 16 feet in length;

(b) propelled by a water jet pump; and designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing inside the vessel.

(13) "Sailboat" means any vessel having one or more sails and propelled by wind.

(14) "Vessel" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(15) "Wakeless speed" means an operating speed at which the vessel does not create or make a wake or white water trailing the vessel. This speed is not in excess of five miles per hour.

(16) "Waters of this state" means any waters within the territorial limits of this state.

R651-201. Definitions.

R651-201-1. "Approved means approved by the commandant of the United States Coast Guard, unless the context clearly requires a different meaning. For carburetor backfire flame control devices approved means the device is marked with one of the following: a U.S. Coast Guard approval number; complies with Underwriters Laboratory test UL 1111; or complies with the Society of Automotive Engineers test SAE J-1928.

R651-201-2. Sailboard.

Sailboard means a wind-propelled vessel with a mast and sail that are held up by the operator who stands while operating the vessel.

R651-201-3. Good and serviceable condition.

Good and serviceable condition" means any required equipment must be in proper operating condition, and,

(a) Required labels and markings shall be intact and legible;

(b) Required equipment shall not be stored inside original packaging; and,

(c) A PFD is considered to be in serviceable condition only if the following conditions are met:

(i) No PFD may exhibit deterioration that could diminish the performance of the PFD, including: metal or plastic hardware used to secure the PFD on the wearer that is

broken, deformed, or weakened by corrosion; webbings or straps used to secure the PFD on the wearer that are ripped, torn, or which have become separated from an attachment point on the PFD; or, any other rotted or deteriorated structural component that fails when tugged.

(ii) In addition to meeting the requirements of paragraph (i) of this section, no inherently buoyant PFD, including the inherently buoyant components of a hybrid inflatable PFD, may exhibit: rips, tears, or open seams in fabric or coatings, that are large enough to allow the loss of buoyant material; buoyant material that has become hardened, non-resilient, permanently compressed, waterlogged, oil-soaked, or which shows evidence of fungus or mildew; or, loss of buoyant material or buoyant material that is not securely held in position.

(iii) In addition to meeting the requirements of paragraph (i) of this section, an inflatable PFD, including the inflatable components of a hybrid inflatable PFD, must be equipped with: a properly armed inflation mechanism, complete with a full inflation medium cartridge and all status indicators showing that the inflation mechanism is properly armed, except as provided in paragraph (iv) of this section; inflatable chambers that are all capable of holding air; oral inflation tubes that are not blocked, detached, or broken; a manual inflation lanyard or lever that is not inaccessible, broken, or missing; and, Inflator status indicators that are not broken or otherwise non-functional.

(iv) The inflation system of an inflatable PFD need not be armed when the PFD is worn inflated and otherwise meets the requirements of paragraphs (i) and (iii) of this section.

R651-201-4. Immediately available.

“Immediately available” means stored in plain and open view in the area where it will be used; not obstructed, blocked, or covered in any way and capable of being quickly deployed.

R651-201-5. Readily accessible.

“Readily accessible” means easily located and retrieved without searching, delay, or hindrance.

3-3-3. Enforcement of State Boating Act to be supervised by division.

The administration and enforcement of the state boating act shall be under the supervision and direction of the division.

5-5-5.5. Advisory council.

The board may appoint an advisory council representing various boating interests to seek recommendations on state boating policies.

R651-202. Boating Advisory Council.

R651-202-1. The Boating Advisory Council, consisting of seven members, has been appointed by the board to represent boaters and others in boating matters. There is one member from each of the following interests: United States Coast Guard Auxiliary, sailing or nonpowered craft users, wildlife and outdoor recreation associations, marine dealers, personal watercraft users, river runners and a youth member.

73-18-4. Board may promulgate rules.

(1) The board may promulgate rules:

(a) creating a uniform waterway marking system which shall be obeyed by all vessel operators;

R651-203. Waterway Marking System.

R651-203-1. Regulatory Markers.

An orange cross within an orange diamond, on end, means: "Boats Keep Out."

An orange circle means: "Controlled Area."

An orange diamond, on end, without a cross means: "Danger."

An orange square or rectangle: "Provides Information."

(1) The following regulatory symbols shall be international orange on a white background, and descriptive wording within or accompanying the regulatory symbols shall be in black letters.

(2) When the regulatory symbols are displayed on a buoy, an orange band should encircle the buoy near the water line and near the top.

R651-203-2. Channel Markers.

(1) White buoys with red vertical stripes mark the center of a channel and may be lettered alphabetically from downstream to upstream.

(2) Green can buoys, odd numbers, mark the left side, and red nun buoys, even numbers, mark the right side of a channel when proceeding upstream or returning from the main body of water.

R651-203-3. Mooring Buoy.

A mooring buoy is white and is designated with a blue band which is at least three inches wide and encircles the buoy halfway between the waterline and the top.

R651-203-4. Diver's Flag.

A square, red flag with a white diagonal stripe from one top corner to the opposite bottom corner should be used to indicate the presence of a diver below. A rigid replica of the International Code "A" flag not less than one meter in height may also be used. The operator of any vessel shall not approach within 150 feet of a posted diver's flag, unless the vessel is part of the equipment in use by the divers.

R651-203-5. Obeying Waterway Markers.

The operator of a vessel shall obey the markings or instructions of any official waterway marker.

73-18-4. (1) (b) regulating the placement of waterway markers and other permanent or anchored objects on the waters of this state;

R651-204. Regulating Waterway Markers.

R651-204-1. Placement of Waterway Markers.

No person shall place on or near the waters of this state any waterway marker, except a diver's flag, without written authorization by a federal agency operating within federal authority or by the division.

R651-204-2. Hazards to Navigation.

No person shall place any permanent or anchored objects on the waters of this state without written authorization by a federal agency operating within federal authority or by the division.

R651-204-3. Destruction of Waterway Markers.

No person shall remove, destroy, or damage any waterway marker authorized to be placed by a federal agency or by the division; nor shall any person moor any vessel to a waterway marker, except mooring buoys.

73-18-4. (1) (c) zoning certain waters of this state for the purpose of prohibiting the operation of vessels or motors for safety and health purposes only; and

R651-205. Zoned Waters.

R651-205-1. Obeying Zoned Waters.

The operator of a vessel shall obey zoned water requirements or restrictions.

R651-205-2. Deer Creek Reservoir.

Vessels and all other water activities are prohibited within 1500 feet of the dam. No water skiing in Wallsberg Bay.

R651-205-3. Green River.

The use of motors is prohibited between the Flaming Gorge Dam and the confluence with Red Creek.

R651-205-4. Stansbury Park Lake.

The use of vessels over 20 feet in length and motors, except electric trolling motors, is prohibited.

R651-205-5. Lower Provo River.

The section from where it enters into Utah Lake upstream to the gas pipeline is designated as a wakeless speed area, and the use of motors is prohibited upstream from this point.

R651-205-6. Decker Lake.

The use of motors is prohibited.

R651-205-7. Palisade Lake.

The use of motors, except electric trolling motors, is prohibited.

R651-205-8. Ivins Reservoir.

The use of motors whose manufacture listed horsepower is 10 horsepower or more is prohibited.

R651-205-9. Jordan River.

The use of motors is prohibited, except motors whose manufacture listed horsepower is less than 10 horsepower. Such motors are permitted on the Utah County portion of the river.

R651-205-10. Ken's Lake.

The use of motors, except electric trolling motors, is prohibited.

R651-205-11. Pineview Reservoir.

The use of motors, except electric motors, is prohibited in the designated area in the North Arm, North Geersten Bay and the Middle Fork of the Ogden River. Vessels are prohibited in the Middle Inlet and Cemetery Point picnic areas.

R651-205-12. Jordanelle Reservoir.

The use of motorboats or sailboats is prohibited in the designated area of Hailstone Beach.

R651-205-13. Little Dell Reservoir.

The use of motors is prohibited.

R651-205-14. Bear Lake.

The use of a vessel is prohibited from July 1 through Labor Day in the area adjacent to Cisco Beach starting at the Entrance Station and extending approximately ¼ mile south, when this area is marked with appropriate buoys.

R651-205-15. Lost Creek Reservoir.

A vessel may not be operated at a speed greater than wakeless speed at any time.

R651-205-16. Huntington Reservoir.

The use of motors whose manufactured listed horsepower is 10 horsepower or more is prohibited.

73-18-4. (1)(d) regulating vessel operators who carry passengers for hire and outfitting companies.

(2)(a) The board may set fees for licensing vessel operators who carry passengers for hire and registering outfitting companies in accordance with Section 63-38-3.2.

(b) The license and registration fees imposed pursuant to Subsection

(3)(a) shall be deposited into the Boating Account created in Section 73-18-22.

R651-206. Carrying Passengers for Hire.

R651-206-1. Definitions.

(1) "Agent" means a person(s) designated by an outfitting company to act on behalf of that company in certifying:

(a) The verification of a license or permit applicant's vessel operation experience,

appropriate first aid and CPR certificates and identifying information.

(b) The verification of an annual dockside or a five-year dry dock inspection of a vessel.

(2) "Certificate of maintenance and inspection" means a document produced by the Division and signed by a marine or vessel inspector and an agent of the outfitting company that a vessel has met the requirements of a required inspection. For float trip vessels, the certificate of maintenance and inspection will be issued to the outfitting company and not an individual vessel.

(3) "Certificate of outfitting company registration" means a document produced by the Division annually, indicating that an outfitting company is registered and in good standing with the Division.

(4) "Certifying experience" means vessel operation or river running experience obtained within ten years of the date of application for the license or permit.

(5) "CFR" means U.S. Code of Federal Regulations.

(6) "Deck rail" means a guard structure at the outer edge of a vessel deck consisting of vertical solid or tubular posts and horizontal courses made of metal tubing, wood, cable, rope or suitable material.

(7) "Dockside inspection" means an annual examination of a vessel when the vessel is afloat in the water so that all of the exterior of the vessel above the waterline and the interior of the vessel may be examined. For float trip vessels, the annual dockside inspection may be performed at the company's place of business.

(8) "Dry dock inspection" means an examination of a vessel, conducted once every five years, when the vessel is out of the water and supported so all the exterior and interior of the vessel may be examined. For float trip vessels, the five-year dry dock inspection may be performed at the company's place of business.

(9) "Good marine practices and standards" means those methods and ways of maintaining, operating, equipping, repairing and restructuring a vessel according to commonly accepted standards, including 46 CFR, the American Boat and Yacht Council, the American Bureau of Shipping, the National Marine Manufacturers Association, and other appropriate generally accepted standards as sources of reference.

(10) "License" means a Utah Captain's/Guide's License or a U.S. Coast Guard Master's License.

(11) "Low capacity vessel" means a vessel with a carrying capacity of three or fewer occupants (e.g. canoe, kayak, inflatable kayak, or similar vessel).

(12) "Marine inspector" means a person who has been trained to perform a dry dock inspection and is registered with the Division as a person who is eligible to perform a dry dock inspection of a vessel.

(13) "Other rivers" means all rivers or river sections in Utah not defined in Subsection (18) of this rule as a whitewater river.

(14) "Permit" means a Utah Boat Crew Permit.

(15) "Sole state waters" means all waters of this state, except for the waters of Bear Lake, Flaming Gorge and Lake Powell.

(16) "Towing for hire" means the activity of towing vessels or providing on-the-water assistance to vessels for consideration.

(a) Towing for hire is considered carrying passengers for hire

(b) Towing for hire does not include a person or entity performing salvage or abandoned vessel retrieval operations.

(17) "Vessel inspector" means a person who has been trained to perform a dockside inspection and is registered with the Division as a person who is eligible to perform a dockside inspection on a vessel.

(18) "Whitewater river" means the following river sections: the Green and Yampa Rivers within Dinosaur National Monument, the Green River in Desolation-Gray Canyon (Mile 96 to Mile 20), the Colorado River in Westwater Canyon, the Colorado River in Cataract Canyon, or other Division recognized whitewater rivers in other states.

(19) "Float trip vessel" means a vessel, or the components and equipment used to configure such a vessel, that is designed to be operated on a whitewater river or section of river. A float trip vessel may be a raft with inflatable chambers or a configuration of metal and/or wood frames, straps or chains, and inflatable pontoon tubes that are integral in maintaining the flotation, structural integrity and general seaworthiness of the vessel.

R651-206-2. Outfitting Company Responsibilities

(1) Each outfitting company carrying passengers for hire on waters of this state shall register with the Division annually, prior to commencement of operation.

(a) Outfitting company registration with the Division requires the completion of the prescribed application form and providing the following:

(i) Evidence of a current and valid business license;

(ii) Evidence of a current and valid river trip authorization(s), Special Use Permit(s), or performance contract(s) issued by an appropriate federal or state land managing agency;

(iii) Evidence of general liability insurance coverage; and

(iv) Payment of a \$150 fee for an outfitting company whose place of business is physically located within the State of Utah, or,

(v) Payment of a \$200 fee for an outfitting company whose place of business is physically located outside of the State of Utah.

(2) Upon successful registration with the Division, the Division shall issue a certificate of outfitting company registration in the name of the outfitting company. An outfitting company shall display its certificate of outfitting company registration at its place of business in a prominent location, visible to persons and passengers who enter the place of business.

(3) An agent of an outfitting company shall certify that each license or permit applicant sponsored by the outfitting company has:

(a) Obtained the minimum levels of required vessel operation experience corresponding to the type of license or permit applied for;

(b) Obtained the appropriate first aid and CPR certificates; and

(c) Completed the prescribed application form with true and correct identifying information.

(4) An outfitting company's annual registration with the Division may be suspended, denied, or revoked for a length of time determined by the Division director, or an individual designated by the Division director, if one of the following occurs:

(a) The outfitting company's, or agent's negligence caused personal injury or death as determined by due process of law;

(b) The outfitting company or agent is convicted of three violations of Title 73, Chapter 18, or rules promulgated thereunder during a calendar year period;

(c) False or fictitious statements were certified or false qualifications were used to qualify a person to obtain a license or permit for an employee or others;

(d) The Division determines that the outfitting company intentionally provided false or fictitious statements or qualifications when registering with the Division;

(e) The outfitting company has utilized a private trip permit for carrying passengers for hire and has been prosecuted by the issuing agency and found guilty of the violation;

(f) The outfitting company used a vessel operator without a valid license or permit or without the appropriate license or permit while engaging in carrying passengers for hire; or

(g) The outfitting company is convicted of violating a resource protection regulation or public safety regulation in effect by the respective land managing and/or access permitting agency.

(5) An outfitting company shall have a written policy describing a program for a drug free workplace.

- (6) An outfitting company shall maintain a training log for each of its vessel operators.
- (7) An outfitting company shall maintain a voyage plan and a passenger manifest, on shore, for each trip or excursion the company conducts.
- (8) An outfitting company shall maintain a daily or trip operations log for each of its vessels.
- (9) An outfitting company shall ensure that each of its vessel operators conducts a check of the vessel he or she will be operating. The vessel check shall include:
- (a) Passenger count;
 - (b) A discussion of safety protocols and emergency operations with passengers on board the vessel.
 - (c) A check of the vessel's required carriage of safety equipment.
 - (d) A check of the vessel's communication systems;
 - (e) A check of the operation and control of the vessel's steering controls and propulsion system; and
 - (f) A check of the vessel's navigation lights, if the vessel will be operating between sunset and sunrise.
- (10) An outfitting company shall ensure that each vessel in its fleet is equipped with the required safety equipment.
- (11) An outfitting company shall maintain each vessel in its fleet according to good marine practices and standards.
- (a) The outfitting company shall ensure that each vessel used in the service of carrying passengers for hire meets the maintenance and inspection requirements, if such inspections are required of a vessel.
 - (b) The outfitting company shall maintain a file of its maintenance and inspections for each vessel, or the components and equipment that configure a float trip vessel, that is required to be inspected in its fleet. Maintenance and inspection files shall be maintained for the duration in which the vessel is in the service of carrying passengers for hire, plus one additional year.
- (12) The owner of a vessel carrying passengers for hire, shall carry general liability insurance. The insurance coverage shall be for a minimum of \$1,000,000 aggregate per incident.
- (13) Upon request of an agent of the Division, an outfitting company shall provide the Division with a copy of the company's

- (a) Drug free workplace policy;
- (b) A passenger manifest and trip voyage plan;
- (c) Trip operation logs;
- (d) A vessel's maintenance and inspection files; or
- (e) A vessel operator's training log.

(14) An outfitting company that is registered to carry passengers for hire in another state and possesses a state-issued certificate of outfitting company registration, or similar license, permit or registration accepted and recognized by the Division, where the state has similar outfitting company registration provisions, shall not be required to obtain and display a Utah certificate of outfitting company registration as required by this section when:

- (a) Operating vessels on Bear Lake, Flaming Gorge, and Lake Powell where a trip embarks and disembarks from the out-of-state portion of the lake and less than 25 percent of a trip is conducted on the Utah portion of the lake.
- (b) Operating vessels on rivers flowing into Utah where the river trip originates out-of-state and terminates at the first available launch ramp/take-out.
 - (i) For vessels operating on the Colorado River, the first available take-out is the Westwater Ranger Station launch ramp/take-out.
 - (ii) For vessels operating on the Dolores River, the first available take-out is the Dewey Bridge launch ramp/take-out on the Colorado River.
 - (iii) For vessels operating on the Green River, the first available take out is the Split Mountain launch ramp/take-out.
 - (iv) For vessels operating on the San Juan River, the first available take-out is the Montezuma Creek launch ramp/take-out.

R651-206-3. Utah Captain's/Guides License and Utah Boat Crew Permit.

- (1) No person shall operate a vessel engaged in carrying passengers for hire on sole state waters unless that person has in his possession a valid and appropriately endorsed Utah Captain's/Guide's License or Utah Boat Crew Permit issued by the Division, or a valid and appropriately endorsed U.S. Coast Guard Master's License.
 - (a) When carrying passengers for hire on a motorboat on the waters of Bear Lake, Flaming Gorge or Lake Powell, the operator must have a valid and appropriately endorsed U.S. Coast Guard Master's License
 - (b) A Utah Captain's/Guide's License is valid on the waters of Bear Lake, Flaming Gorge, and Lake Powell when the holder is carrying or leading persons for hire on non-motorized vessels.

(c) A Utah Captain's/Guide's License or Utah Boat Crew Permit, with the appropriate whitewater river or other river endorsement, is valid when operating a vessel exiting from a river to the first appropriate and usable take-out or launch ramp on a lake or reservoir.

(2) License and Permit Requirements.

(a) The license or permit must be accompanied by current and appropriate first aid and CPR certificates. A photocopy of both sides of the first aid and CPR certificates is allowed when carrying passengers for hire on rivers.

(b) A license with a "Lake and Reservoir Captain" endorsement is required when carrying passengers for hire on any lake or reservoir.

(c) A license with a "Tow Vessel Captain" endorsement is required when towing or assisting other vessels for hire on waters of this state.

(d) A license with a "Whitewater River guide" endorsement is required when carrying passengers for hire on any river section, including "whitewater," "other," and "flatwater" river designations.

(e) A license with an "Other River Guide" endorsement is required when carrying passengers for hire on any river or river section designated as "other" or "flatwater."

(f) A permit with a "Lake and Reservoir Crew" endorsement is valid only when the holder is accompanied, on board the vessel, by a qualified license holder with a "Lake and Reservoir Captain" endorsement.

(g) A permit with a "Tow Vessel Crew" endorsement is valid only when the holder is accompanied, on board the vessel, by a qualified license holder with a "Tow Vessel Captain" endorsement.

(h) A permit with a "Whitewater River Crew" endorsement is valid only when the holder is accompanied on the river trip, by a qualified license holder with a "Whitewater River Guide" endorsement.

(i) A permit with an "Other River Crew" endorsement is valid only when the holder is accompanied on the river trip, by a qualified license holder with either a "Whitewater River Guide" or "Other River Guide" endorsement.

(j) All Vessel Operator Permits and River Guide 1, 2, 3, and 4 Permits will expire at the end of their current term. Applications for renewal or duplicate of a Vessel Operator or River Guide Permit will be changed to the respective Utah Captain's/Guide's License or Utah Boat Crew Permit.

(k) All Boatman Permits issued by the Division are expired.

(3) Requirements to obtain a Utah Captain's/Guides License.

(a) The applicant shall be at least 18 years of age as of the date the application is

received by the Division.

(b) The applicant shall complete the prescribed application form.

(i) Information on the application form must be verified by an agent of the employing/sponsoring outfitting company.

(ii) The completed application form must be signed by the applicant and by an agent of the employing/sponsoring outfitting company.

(iii) For persons who are applying for their first license, the application, testing, and issuance of the license shall be done in person at a Division designated location.

(c) The applicant shall pay a \$50 application fee for the license and first endorsement. A fee of \$10 will be charged for each additional license endorsement.

(d) The applicant shall choose from the four types of license endorsements:

(i) Lake and Reservoir Captain (LCG)

(ii) Tow Vessel Captain (TCG)

(iii) Whitewater River Guide (WCG)

(iv) Other River Guide (OCG)

(e) The applicant shall provide an original proof of current and valid first aid and CPR certifications:

(i) The first aid certificate must be issued for an American Red Cross "Emergency Response" course or an equivalent course from a reputable provider whose curriculum is in accordance with the USDOT First Responder Guidelines or the Wilderness Medical Society Guidelines for Wilderness First Responder.

(ii) The CPR certificate must be issued for an American Red Cross, American Heart Association, American Safety & Health Institute, National Safety Council CPR or BLS course, or an equivalent course from a reputable provider whose curriculum is in accordance with the 2005 Consensus on Science for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC).

(iii) First aid and CPR certificates must include the following information: name, or title of the course; course provider; length of certification; name of the person certified and legible name of the course instructor.

(f) A current Utah Vessel Operator Permit holder, whose permit was issued prior to January 1, 2008, and who is renewing and converting their permit to a Utah Captain's/ Guide's License, is exempt from showing proof of completion of a NASBLA approved boating safety course.

(g) The applicant shall complete a multiple-choice, written examination administered by

an agent of the Division:

(i) 80 percent correct is required to pass.

(ii) In relation to the respective endorsement, the examination will have a specific focus on the carrying passengers for hire laws and rules along with general safety, etiquette and courtesy.

(iii) If an applicant fails to pass the exam, there is a seven-day waiting period to re-test.

(iv) Pay a \$15 fee for each re-test.

(h) The applicant shall provide documentation of vessel operation experience that has been obtained within 10 years previous to the date of application.

(i) Lake and Reservoir Captain (LCG) - a minimum of at least 80 hours of actual vessel operation experience. At least 40 of these hours must be obtained while operating the vessel, or a similar vessel, that will be carrying passengers for hire on the specific lake or reservoir on which the operator will be towing vessels for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

(ii) Tow Vessel Captain (TCG) - A minimum of at least 80 hours of actual vessel operation experience. At least 40 of these hours must be obtained while operating the vessel, or a similar vessel, that will be towing for hire on the specific lake or reservoir on which the operator will be towing vessels for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

(iii) Whitewater River Guide (WCG) - A minimum of nine river trips on whitewater river sections. At least one of these trips must be obtained while operating the vessel, or similar vessel, on the respective river section on which the operator will be carrying passengers for hire. A Whitewater River Guide endorsement meets the requirements for an Other River Guide endorsement.

(iv) Other River Guide (OCG) - A minimum of six river trips on any river section. At least one of these trips must be obtained while operating the vessel or similar vessel, on the respective river section on which the operator will be carrying passengers for hire.

(4) A Utah Captain's/Guide's License is valid for a term of five years. The license will expire five years from the date of issue, unless suspended or revoked.

(a) A Utah Captain's/Guide's License may be renewed within the six months prior to its expiration.

(b) To renew a Utah Captain's/Guide's License, the applicant must complete the prescribed application form along with adhering to the requirements described above. A current license holder may renew his license in a manner accepted by the Division

(c) The renewed license will have the same month and day expiration as the original license.

(d) A Utah Captain's/Guide's License that has expired shall not be renewed and the applicant shall be required to apply for a new license.

(5) Requirements to obtain a Utah Boat Crew Permit.

(a) The applicant shall be at least 18 years of age as of the date the application is received by the Division.

(b) The applicant shall complete the prescribed application form.

(i) Information on the application form must be verified by an agent of the employing/sponsoring outfitting company.

(ii) The completed application form must be signed by the applicant and by an agent of the employing/sponsoring outfitting company.

(iii) For persons who are applying for their first permit, the application and issuance of the permit shall be done, in person, at a Division designated location.

(c) The applicant shall pay a \$50 application fee for the original permit and first endorsement. A \$10 fee shall be charged for each additional crew permit endorsement.

(d) The applicant shall choose from the four types of permit endorsements:

(i) Lake and Reservoir Crew (LRC)

(ii) Tow Vessel Crew (TVC)

(iii) Whitewater River Crew (WRC)

(iv) Other River Crew (ORC)

(e) The applicant shall provide original proof of current and valid first aid and CPR certifications:

(i) The first aid certificate must be issued for an American Red Cross "Standard" or "Basic" first aid course, or an equivalent course from a reputable provider.

(ii) The first aid certificate must be issued for an American Red Cross, American Heart Association, American Safety and Health Institute, National Safety Council CPR or BLS course, or an equivalent course from a reputable provider whose curriculum is in accordance with the 2005 Consensus on Science for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC).

(iii) First aid and CPR certificates must include the following information: name, or title of the course; course provider; length of certification; name of the person certified and legible name of the course instructor.

(f) The applicant shall provide documentation of vessel operation experience that has been obtained within the 10 years previous to the date of application.

(i) Lake and Reservoir Crew (LRC) - A minimum of at least 20 hours of actual vessel operation experience. At least 10 of these hours must be obtained while operating the vessel, or a similar vessel, on which the operator will be carrying passengers for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

(ii) Tow Vessel Crew (TVC) - A minimum of at least 20 hours of actual vessel operation experience. At least 10 of these hours must be obtained while operating the vessel, or a similar vessel, that will be towing for hire on the specific lake or reservoir on which the operator will be towing vessels for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

(iii) Whitewater River Crew (WRC) - A minimum of three river trips on "whitewater" rivers or river sections. At least one of these trips must be obtained while operating the vessel, or similar vessel, on the respective river or river section on which the operator will be carrying passengers for hire. A Whitewater River Crew endorsement meets the requirements for an Other River Crew endorsement.

(iv) Other River Crew (ORC) - A minimum of three river trips on any river or river section. At least one of these trips must be obtained while operating the vessel on a respective river or river section on which the operator will be carrying passengers for hire.

(6) A Utah Boat Crew Permit is valid for a term of five years. The permit will expire five years from the date of issue, unless suspended or revoked.

(a) A Utah Boat Crew Permit may be renewed within the six months prior to its expiration.

(b) To renew a Utah Boat Crew Permit, the applicant must complete the prescribed application form along with the requirements described above. A current permit holder may renew his license in a manner accepted by the Division.

(c) The renewed permit will have the same month and day expiration as the original permit.

(d) A Utah Boat Crew Permit that has expired shall not be renewed and the applicant shall be required to apply for a new permit.

(e) A Utah Boat Crew Permit holder who upgrades to a Utah Captain's/Guide's License, within one year of when the permit was issued, shall receive a \$25 discount on the fee for the Utah Captain's/Guide's License.

(7) In the event a Utah Captain's/Guide's License or a Utah Boat Crew permit is lost or stolen, a duplicate license or permit may be issued with the same expiration date as the original license or permit.

(a) The applicant must complete the prescribed application form.

(b) The fee for a duplicate license or permit is \$15.

(8) Current Utah Captain's/Guide's License and Utah Boat Crew Permit holders shall notify the Division within 30 days of any change of address.

(9) A Utah Captain's/Guide's License or Utah Boat Crew Permit may be suspended, revoked, or denied for a length of time determined by the Division director, or individual designated by the Division director, if one of the following occurs:

(a) The license or permit holder is convicted of three violations of the Utah Boating Act, Title 73, Chapter 18, or rules promulgated thereunder during a three-year period.

(b) The license or permit holder is convicted of driving under the influence of alcohol or any drug while carrying passengers for hire, or refuses to submit to any chemical test that determines blood or breath alcohol content resulting from an incident while carrying passengers for hire;

(c) The license or permit holder's negligence or recklessness causes personal injury or death as determined by due process of the law;

(d) The license or permit holder is convicted of utilizing a private trip permit to carry passengers for hire;

(e) The license or permit holder is convicted of violating a resource protection regulation or public safety regulation in effect by the respective land managing and/or access permitting agency.

(f) The Division determines that the license or permit holder intentionally provided false or fictitious statements or qualifications to obtain the license or permit.

(10) A Utah Captain's/Guide's License or Utah Boat Crew Permit holder shall not carry passengers for hire while operating an unfamiliar vessel or operating on an unfamiliar lake, reservoir, or river section, unless there is a license holder aboard who is familiar with the vessel and the lake, reservoir, or river section. An exception to this rule allows a license or permit holder to lead passengers for hire on a lake, reservoir, or designated flatwater river section, as long as there is a license holder who is familiar with the vessel and the lake, reservoir, or river section and remains within sight of the rest of the group.

(11) Number of passengers carried for each license or permit holder.

(a) On a vessel that is carrying more than 49 passengers for hire, there shall be at least one license holder and one permit holder or two license holders on board.

(b) On a vessel carrying more than 24 passengers for hire, and operating more than one mile from shore, there shall be an additional license or permit holder on board.

(c) On a vessel carrying passengers for hire, there shall be a minimum of one license or permit holder on board for each passenger deck on the vessel.

(12) Low capacity vessels being led requirements.

(a) On all river sections, except as noted in Subsection (b) below, there shall be at least one qualified license or permit holder for every four low capacity vessels being led in a group.

(b) On lakes, reservoirs, and designated flatwater river sections, there shall be at least one qualified license or permit holder for every six low capacity vessels being led in a group.

(13) A license or permit holder shall not operate a vessel carrying passengers for hire for more than 12 hours in a 24 hour period.

(14) A license or permit holder shall conduct a safety and emergency protocols discussion with passengers prior to the vessel getting underway. This discussion shall include the topics of water safety, use and stowage of safety equipment, wearing and usage of life jackets and initiating the rescue of a passenger(s).

(15) Vessel operators who are licensed or permitted to carry passengers for hire in another state, and possess a state-issued vessel captain's license, or similar license or permit accepted and recognized by the Division, where the state has similar vessel operator licensing provisions, shall not be required to obtain and possess a Utah Captain's/Guide's License or Utah Boat Crew Permit as required by this section.

R651-206-4. Additional PFD requirements for vessels carrying passengers for hire.

(1) Type I PFDs are required. Each vessel shall have an adequate number of Type I PFDs on board, that meets or exceeds the number of persons on board the vessel. A Type V PFD may be used in lieu of a Type I PFD if the Type V PFD is approved for the activity in which it is going to be used.

(2) In situations where infants, children and youth are in enclosed cabin areas of vessels over 19 feet in length and not wearing PFDs, a minimum of ten percent of the wearable PFDs on board the vessel must be of an appropriate type and size for infants, children and youth passengers.

(3) Type I PFDs or Type V PFDs - used in lieu of the Type I PFD, must be listed for commercial use on the label.

(4) If PFDs are not being worn by passengers, and the PFDs are being stowed on the vessel, the PFDs shall be stowed in readily accessible containers that legibly and visually indicate their contents.

(5) Each PFD must be marked with the name of the outfitting company, in one-inch high letters that contrast with the color of the device.

(6) The Type IV PFD shall be a ring life buoy on vessels 26 feet or more in length.

(a) Vessels that are 40 feet or more in length shall carry a minimum of two Type IV PFDs.

(b) Ring life buoys shall have a minimum of 60 feet of line attached.

(7) If U.S. Coast Guard approved Type I PFDs are not available for infants under the weight of 30 pounds, Type II PFDs may be used, provided they are the correct size for the intended wearer.

(8) On rivers, hard-hulled kayak or white water canoe operators or a working employee of the outfitting company, may wear a Type III PFD in lieu of the Type I PFD.

(9) On lakes and reservoirs, for hard-hulled kayak or sea-kayak operators, a Type III PFD may be carried or worn in lieu of the required Type I PFD.

(10) All passengers and crew members shall wear a PFD when a vessel is being operated in hazardous conditions.

(11) The license or permit holder is responsible for the passengers on his vessel to be in compliance with this section and R651-215.

R651-206-5. Additional Fire Extinguisher Requirements for Vessels Carrying Passengers For Hire.

(1) Each motorboat that carries passengers for hire, must carry a minimum of one type B-1 fire extinguisher. Vessels equipped solely with an electric motor, and not carrying flammable fuels on board, are exempt from this provision.

(2) Each motorboat that carries more than six passengers for hire and is equipped with an inboard, inboard/outboard, inboard jet, or direct drive gasoline engine, and carrying passengers for hire, shall have at least one fixed U.S. Coast Guard approved fire extinguishing system mounted in the engine compartment.

(3) Portable fire extinguishers shall be mounted in a readily accessible location, near the helm, away from the engine compartment. For motorized vessels operating on rivers, portable fire extinguishers may be stowed in a readily accessible location near the operator's position.

(4) For vessels carrying more than 12 passengers for hire or providing on board overnight passenger accommodations, smoke detectors shall be installed in each enclosed passenger area.

R651-206-6. Additional Equipment Requirements for Vessels Carrying Passengers for Hire.

(1) Emergency communications equipment.

(a) An outfitting company shall have appropriate communication equipment for contacting emergency services, or, have a policy and emergency communications protocols that describe the quickest and most efficient means of contacting emergency services, taking into consideration the remoteness of the area in which the vessel will be operated.

(b) For vessels traveling in a group, this requirement can be met by carrying one communication device in the group.

(2) Carbon monoxide detectors.

Each vessel carrying passengers for hire shall be equipped with carbon monoxide detectors in each enclosed passenger area.

(3) Survival Craft.

Each vessel carrying more than six passengers for hire, and operating at a distance greater than one mile from shore, shall carry an appropriate number of life rafts or other life-saving apparatus respective to the number of passengers carried on board.

(4) Visual distress signals.

Each vessel carrying more than six passengers for hire, and operating at a distance greater than one mile from shore, shall carry a minimum of three visual distress signal flares that are approved for day and night use.

(5) Navigation equipment.

(a) Each vessel must carry a map or chart of the water body and a compass or GPS unit that is in good and serviceable condition.

(b) For vessels traveling in a group, this requirement can be met by carrying a map or chart and a compass or GPS unit in the group.

(c) Float trip vessels are only required to carry a map of the water body.

(6) Lines, straps and anchorage.

(a) Each vessel shall be equipped with at least one suitable anchor and an appropriate anchorage system, respective of the body of water on which the vessel will be operating. Any line, when attached to an anchor, shall be attached by an eye splice, thimble and shackle.

(b) Vessels operating on rivers are exempt from carrying an anchor, but shall have sufficient lines to secure the vessel to shore.

(c) Lines and straps utilized for anchorage, mooring and maintaining vessel structural integrity shall be in good and serviceable condition.

(7) Portable lighting.

Each vessel carrying passengers for hire shall carry on board, at least one portable, battery-operated light per operator or crew member. That portable battery-operated light shall be in good and serviceable condition and readily accessible.

(8) First Aid Kit.

(a) Each vessel shall have on board, an adequate first aid kit, stocked with supplies respective to the number of passengers carried on board, and the nature of boating activity in which the vessel will be engaged.

(b) For vessels traveling in a group, this requirement can be met by carrying one first aid

kit in the group.

(9) Identification of outfitting company.

(a) An outfitting company shall prominently display its name on the hull or superstructure of the vessel.

(b) The display of an outfitting company's name shall not interfere with any required numbering, registration or documentation display.

(c) If another governmental agency prohibits the display of an outfitting company's name on the exterior of a vessel, the name shall be displayed in a visible manner that does not violate the agency's requirements.

(10) Marine toilets and sanitary facilities.

(a) Each vessel carrying more than six passengers for hire shall be equipped with a minimum of one marine toilet and washbasin sanitary facilities, except for vessels where suitable privacy enclosures are not practical.

(b) The toilet and washbasin shall be connected to a permanently installed holding tank that allows for dockside pumpout at approved sanitary disposal facilities. Vessels that do not have access to dockside pumpout facilities may carry a portable marine toilet and washbasin to meet this requirement.

(c) For vessels traveling in a group, this requirement can be met by carrying one marine sanitation device in the group.

(d) Marine toilets and washbasins shall be maintained in a good and serviceable, sanitary condition.

(e) A vessel that carries more than 49 passengers shall have at least two marine toilets and washbasins, one each for men and women.

(f) A vessel operating on a trip or excursion with a duration of one hour or less, or operating on a river, is not required to be equipped with a marine toilet or washbasin.

R651-206-7. Towing Vessels for Hire Requirements.

(1) Any person or entity that provides the service of towing vessels for hire on waters of this state, shall register with the Division as an outfitting company and pay the appropriate fee. The registration of a person or entity towing for hire will be required beginning January 1, 2008.

(2) A vessel engaged in the activity of towing vessels for hire shall comply with the dockside and dry dock vessel maintenance and inspection requirements, plus the additional equipment requirements described in this section.

(3) Any conditions of a contract, special use permit, or other agreement with a person or entity that is towing vessels for hire, shall not supersede the boating safety and assistance activities of a state park ranger, other law enforcement officer, emergency

and search and rescue personnel, a member of the U.S. Coast Guard Auxiliary, or any other person providing "Good Samaritan" service to vessels needing or requesting assistance.

(4) Any vessel receiving assistance from a state park ranger, other law enforcement officer, emergency and search and rescue personnel, a member of the U.S. Coast Guard Auxiliary, or any person providing "Good Samaritan" service need not be turned over to, or directed to a person or entity registered with the Division and authorized to tow vessels for hire, unless the operator or owner of the vessel receiving assistance specifically requests such action.

(5) A person or entity towing vessels for hire shall immediately notify a law enforcement officer of any vessel they assist, if the person reasonably believes the vessel being assisted was involved in a reportable boating accident.

(6) A person or entity towing vessels for hire shall not perform an emergency rescue unless he reasonably believes immediate emergency assistance is required to save the lives of persons, prevent additional injuries to persons onboard a vessel, or reduce damage to a vessel, and a state park ranger, other law enforcement officer, emergency and search and rescue personnel, or a member of the U.S. Coast Guard Auxiliary is not immediately available, or a state park ranger, other law enforcement officer, or emergency and search and rescue personnel make such a request for emergency assistance.

(7) The owner of a vessel engaged towing vessels for hire shall carry general liability insurance. The insurance coverage shall be a minimum of \$1,000,000 per incident.

(8) A vessel engaged in towing vessels for hire, shall be a minimum of 21 feet in length and have a minimum total of a 150 hp gasoline engine(s) or a 90 hp diesel engine(s). The towing vessel should be as large or larger than the average vessel it will be towing.

(9) A vessel engaged in towing vessels for hire, must have at least one license holder on board.

(10) A person or entity towing vessels for hire shall provide appropriate types of training for each of its license and permit holders. Each vessel operator shall conduct a minimum of five training evolutions of towing a vessel each year, with at least one evolution being a side tow.

(11) The operator and any crew members on board a vessel engaged in towing vessels for hire, shall wear a PFD at all times. The operator of a vessel engaged in towing vessels for hire is responsible to have all occupants of a vessel being towed to wear a properly fitted PFD for the duration of the tow.

(12) A person or entity engaged in towing vessels for hire must keep a log of each tow or vessel assist. The towing vessels for hire log of activities shall include:

(a) Assisted vessel's assigned bow number

(b) Name of assisted vessel's owner or operator, including address and phone number

(c) Number of persons on board the assisted vessel

(d) Nature of assistance

(e) Date and time assistance provided

(f) Location of the assisted vessel

(g) The operator of the vessel towing for hire shall make appropriate radio or other communications of the above actions with a person on land preferable at the company's place of business.

(h) Upon request of an agent of the Division, an outfitting company shall provide the Division with a copy of a towing vessels for hire log.

(13) Additional Equipment Requirements for Vessels Towing for Hire.

(a) PFDs

(i) Shall carry a sufficient number of Type I PFDs for persons on board a towed vessel.

(ii) Shall carry a minimum of two Type IV PFDs, one of which must be a ring life buoy.

(b) Vessel shall be equipped with a depth finder

(c) Tow Line.

(i) Shall have a minimum of 100 feet of 5/8" line with a tow bridle.

(ii) Towing vessel shall be equipped with a towing post or reinforced cleats.

(d) Vessel shall carry a dewatering pump with a minimum capacity of 25 gallons per minute, to be used to dewater other vessels.

(e) If a vessel is towing for hire between sunset and sunrise, the vessel shall carry the following pieces of equipment.

(i) A white spot light with a minimum brightness of 500,000 candle power

(ii) It is recommended that a vessel be equipped with electronic RADAR equipment.

(f) Vessel shall carry a loud hailer, speaker, or other means of communicating with another vessel from a distance.

(g) Vessel shall carry the following equipment, in addition to the equipment required for vessels carrying passengers for hire.

(i) A knife capable of cutting the vessel's towline;

- (ii) A boat hook;
- (iii) A minimum of four six-inch fenders;
- (iv) Binoculars;
- (v) A jump starting system;
- (vi) A tool kit and spare items for repairs on assisting vessel; and
- (vii) Damage control items for quick repairs to another vessel.

R651-206-8. Maintenance and Inspections of Vessels Carrying Passengers for Hire.

(1) Each outfitting company carrying passengers for hire shall have an ongoing vessel maintenance and inspection program. The vessel maintenance and inspection program shall include the structural integrity, flotation, propulsion of the vessel, and equipment associated with passenger safety.

(2) The annual vessel maintenance and inspection program certification will be required beginning January 1, 2009. The five-year vessel inspections will be required no later than January 1, 2014.

(3) The Division shall prepare and maintain a "Carrying Passengers for Hire Vessel Inspection Manual."

(a) The Division shall establish a committee to oversee, maintain, and recommend any substantive changes in the "Carrying Passengers for Hire Vessel Inspection Manual."

(i) The members of this committee shall be selected by the Boating Advisory Council and shall report directly to the Boating Advisory Council.

(ii) This committee shall consist of five members: two members who will represent the non-float trip vessel carrying passengers for hire industry in Utah; two members who will represent the float trip vessel carrying passengers for hire industry in Utah; and, one member who will represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.

(iii) This committee shall convene when information regarding substantive changes to the "Carrying Passengers for Hire Vessel Inspection Manual" has been presented to the Boating Advisory Council.

(b) The Division shall establish a committee to prepare and develop the portions of the "Carrying Passengers for Hire Vessel Inspection Manual" that do not pertain to Float Trip Vessels.

(i) This committee shall consist of five members: three members who represent the carrying passengers for hire industry in Utah; and, two members who represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.

(ii) This committee will disband after the original "Carrying Passengers for Hire Vessel Inspection Manual" is approved and accepted by the Boating Advisory Council.

(c) The Division shall establish a committee to prepare and develop the portions of the "Carrying Passengers For Hire Vessel Inspection Manual" that pertain to Float Trip Vessels.

(i) This committee shall consist of five members: three members who represent the Float Trip Vessel carrying passengers for hire industry in Utah; and, two members who represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.

(ii) This committee will disband after the original "Carrying Passengers for Hire Vessel Inspection Manual" is approved and accepted by the Boating Advisory Council.

73-18-5. Repealed.

73-18-6. Numbering of motorboats and sailboats required—Exceptions.

(1) Every motorboat and sailboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any motorboat or sailboat on the waters of this state unless the motorboat or sailboat is numbered in accordance with:

(a) this chapter;

(b) applicable federal law; or

(c) a federally-approved numbering system of another state, if the owner is a resident of that state and his motorboat or sailboat has not been in this state in excess of 60 days for the calendar year.

(2) The number assigned to a motorboat or sailboat in accordance with this chapter, applicable federal law, or a federally-approved numbering system of another state shall be displayed on each side of the bow of the motorboat or sailboat, except this requirement does not apply to any vessel which has a valid marine document issued by the United States Coast Guard.

73-18-7. Registration requirements—Exemptions—Agents—Records public—Period of registration and renewal—Expiration—Notice of transfer of interest or change of address—Duplicate registration card—Invalid registration—Powers of board.

(1) (a) Each motorboat and sailboat on the waters of this state shall be registered, unless it is exempt from registration as provided for in Section 73-18-9.

(b) A person may not place, or give permission for the placement of, a motorboat or sailboat on any waters of this state or operate or give permission for the operation of a motorboat or sailboat on the waters of this state, unless the motorboat or sailboat is registered in accordance with this chapter or is exempt from registration as provided for in Section 73-18-9.

(2) (a) The owner of each motorboat or sailboat required to be registered by this state shall file an application for registration with the division on forms approved by the division.

(b)(i) The application shall be signed by the owner of the motorboat or sailboat and accompanied by a fee set by the board.

(ii) This fee may not exceed \$10 per year.

(c) The division, before issuing a registration card and registration decals, shall require from each applicant a certificate from the county assessor of the county in which the motorboat or sailboat has situs for taxation containing one of the following statements:

(i) the property tax on the motorboat or sailboat for the current year has been paid;

(ii) in the county assessor's opinion, the property tax is a lien on real property sufficient to secure the payment of the property tax; or

(iii) the motorboat or sailboat is exempt by law from payment of property tax for the current year.

R651-207. Registration Fee.

R651-207-1. The registration fee shall be \$25 per year.

73-18-7. (3)(a) Upon receipt of the application in the approved form, the division shall record the receipt and issue to the applicant registration decals and a registration card which state the number assigned to the motorboat or sailboat and the name and address of the owner.

(b) The registration card shall be available for inspection on the motorboat or sailboat for which it was issued, whenever that motorboat or sailboat is in operation.

(4) The assigned number shall:

(a) be painted or permanently attached to each side of the forward half of the motorboat or sailboat;

(b) consist of plain vertical block characters of not less than three inches in height;

(c) contrast with the color of the background and be distinctly visible and legible;

(d) have spaces or hyphens equal to the width of a letter between the letter and numeral groupings; and

(e) read from left to right.

R651-208. Backing Plates.

R651-208-1. On vessels where an assigned number on the hull or superstructure would not be visible or where the type of hull material used would make it impractical to attach an assigned

number, the assigned number and registration decals may be mounted on a backing plate and displayed as required in Subsection 73-18-7 (4) of the Utah Code Annotated and Rule R651-212.

- 73-18-7.** (5) Any vessel which has a valid marine document issue by the United States Coast Guard is exempt from the number display requirements of Subsection (4).
- (6) The nonresident owner of any motorboat or sailboat already covered by a valid number, which has been assigned to it pursuant to federal law or a federally-approved numbering system of his resident state, shall be exempt from registration while operating the motorboat or sailboat on the waters of this state unless he is operating in excess of the reciprocity period provided for in Subsection 73-18-9 (1).
- (7)(a) If the ownership of a motorboat or sailboat changes, a new application form with the fee shall be filed with the division and a new registration card and registration decals shall be issued in the same manner as provided for in Subsections (2) and (3).
- (b) The current number assigned to the vessel shall be reassigned to the new owner to display on the motorboat or sailboat.
- (8) If the United States Coast Guard has in force an overall system of identification numbering for motorboats or sailboats within the United States, the numbering system employed under this chapter by the board shall be in conformity with that system.
- (9) The division may authorize any person to act as its agent for the registration of motorboats and sailboats. Any number assigned and any registration card and registration decals issued by an agent of the division in conformity with this chapter and rules of the board shall be valid.
- (10) (a) All records of the division made or kept pursuant to this section shall be classified by the Motor Vehicle Division in the same manner as motor vehicle records are classified under Section 41-1a-116.
- (b) Division records are available for inspection in the same manner as motor vehicle record pursuant to Section 41-1a-116.
- 73-18-7.** (11) (a) Each registration, registration card, and decal issued under this chapter shall continue in effect for a period of 12 months beginning with the first day of the calendar month of registration. A registration may be renewed by the owner in the same manner provided for in the initial application. The current number assigned to the vessel shall be reassigned when the registration is renewed.
- (b) Each registration, registration card, and registration decal expires the last day of the month in the year following the calendar month of registration.
- (c) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the motorboat or sailboat is extended to 12 midnight of the next business day.

(d) The division may receive applications for registration renewal and issue new registration cards at any time prior to the expiration of the registration, subject to the availability of renewal materials.

(e) The new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired.

(f) The year of registration shall be changed to reflect the renewed registration period.

(g) If the registration renewal application is an application generated by the division through its automated system, the owner need not surrender the last registration card or duplicate.

(12) (a) The owner shall notify the division of the transfer of all or any part of his interest, other than creation of a security interest, in a motorboat or sailboat registered in this state under Subsection (2) and (3) or of the destruction or abandonment of the motorboat or sailboat.

(b) This notification must take place within 15 days of the transfer, destruction, or abandonment.

(c) The transfer, destruction, or abandonment of a motorboat or sailboat terminates its registration except that in the case of a transfer of a part interest which does not affect the owner's right to operate a motorboat or sailboat, the transfer shall not terminate the registration.

73-18-7. (13) (a) The registered owner shall notify the division within 15 days if his address changes from the address appearing on the registration card and shall, as a part of this notification, furnish the division with his new address.

(b) The board may provide in its rules for the surrender of the registration card bearing the former address and its replacement with a new registration card bearing the new address, or for the alteration of an outstanding registration card to show the new address of the holder.

R651-210. Change of Address.

R651-210-1. The registered owner of a motorboat or sailboat, after notifying the division or agent of the division of his change of address, shall note the new address on his current registration card.

(14) (a) If the registration card is lost or stolen, a fee of \$4 may be collected by the division for the issuance of a duplicate.

(b) If the registration decals are lost or stolen, a fee of \$3 may be collected by the division for the issuance of duplicate decals.

(15) A number other than the number assigned to a motorboat or sailboat or a number for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached, or otherwise displayed on either side of the bow of a motorboat or sailboat.

(16) A motorboat or sailboat registration and number shall be invalid if obtained by knowingly falsifying an application for registration.

73-18-7 (17) The board may:

- (a) designate the suffix to assigned numbers;
- (b) adopt rules for the display of registration decals;
- (c) adopt rules for the issuance and display of dealer numbers and registrations; and
- (d) adopt rules for the issuance and display of temporary registrations.

R651-211. Assigned Numbers.

R651-211-1. The assigned number will consist of the prefix letters, "UT", to designate the State of Utah, one to four numerals, and two suffix letters that may designate a certain type of vessel are: AB - Airboat; DL - marine dealer or manufacturer; EX - Exempt (for official government business only). All other suffixes shall be randomly assigned.

R651-211-2. "UT 2628 BP" shall be the assigned number, reserved for Division use in boating education and law enforcement training, and shall not be assigned to any vessel.

73-18-7. (17)(b) adopt rules for the display of registration decals;

R651-212. Display of Registration Decals.

R651-212-1. A yearly registration decal shall be displayed three inches aft of the assigned number on each side of the vessel. On documented vessels, a yearly registration decal shall be displayed on each side of the forward half of the vessel. Only current-year registration decals may be displayed.

R651-212-2. A month-of-expiration decal, issued by the Division of Motor Vehicles, shall be displayed immediately aft of the yearly registration decal.

73-18-7. (17) adopt rules for the issuance and display of dealer numbers and registrations; and

R651-213. Dealer Numbers and Registrations.

R651-213-1. (1) Each person acting as a vessel dealer who has an established place of business and is engaged in the business of selling motorboats and/or sailboats shall make application to the Division of Motor Vehicles, who is acting as agent for the division, to obtain dealer numbers and registration decals.

(2) The application shall contain the following information:

- (a) the name of the business;

- (b) the business address;
 - (c) the business owner's name (if the business is a corporation, the names of the principal officers of the corporation);
 - (d) the type of vessels offered for sale; and
 - (e) the manufacture line of vessels which the dealer holds franchise from the manufacturer to sell. Attached to the application shall be copies of the appropriate city, county, and state licenses required to do business in this state.
- (3) Upon filing the application by the dealer, the Division of Motor Vehicles may assign dealer numbers and registration decals to the dealer.
- (4) Dealer numbers and registration decals are valid only when demonstrating a motorboat or sailboat to a prospective purchaser and the dealer or employee of the dealer is present during the demonstration.
- (5) Every vessel dealer who obtains dealer numbers and registration decals is responsible to maintain the numbers and to control their use.
- (6) Dealer numbers and registration decals are not valid on any vessel which is a rental or lease unit, or on a vessel which is not part of the dealer inventory and available for immediate sale.
- (7) Dealer numbers and registration decals shall not be permanently attached to any vessel, but shall be mounted and displayed on a backing plate.
- (8) If the Division of Motor Vehicles has reasonable grounds to believe that a dealer has failed to comply with any of the above provisions, after notice to the dealer and a hearing, dealer numbers and registration decals may be suspended. Upon suspension, the dealer will surrender all of his dealer numbers and registration decals to the Division of Motor Vehicles within 15 days.

73-18-7. (17)(c) adopt rules for the issuance and display of temporary registrations.

R651-214. Temporary Registration

- R651-214-1.** (1) A vessel dealer may apply for temporary registrations to be used on motorboats or sailboats sold by his business. The application to obtain temporary registrations is the same as outlined in Section R651-213 (1).
- (2) Each temporary registration will be valid for a period not to exceed 30 days from date of issue.
- (3) A temporary registration will not be valid on any motorboat or sailboat held in the dealers inventory for sale or any motorboat or sailboat not sold by the same dealer who issued the registration.
- (4) A dealer shall not issue more than one temporary registration for any

motorboat or sailboat.

(5) A dealer who obtains temporary registrations will be responsible for their issuance and is required to maintain records of each registration obtained and issued. Dealer records will contain a description of the vessel sold, the name and address of the purchaser, and the date issued.

(6) Temporary registration records kept by the dealer shall be made available for inspection and audit by authorized agents of the Division of Motor Vehicles during regular business hours.

(7) If the Division of Motor Vehicles has reasonable grounds to believe that a dealer has failed to comply with any of the above provisions, after notice to the dealer and a hearing, temporary registration issuance privileges may be canceled. Upon cancellation, the dealer will surrender all unissued temporary registrations to the Division of Motor Vehicles within 15 days.

73-18-7.1. Fraudulent application for registration or certificate of title.

A person is guilty of a third degree felony if he:

(1) fraudulently uses a false or fictitious name in any application for a registration or certificate of title for a motorboat, sailboat, or outboard motor; or

(2) in making an application specified in Subsection (1), he:

(a) knowingly makes a false statement;

(b) knowingly conceals a material fact; or

(c) otherwise commits a fraud.

73-18-7.2. Falsified registration or certificate of title.

It is a third degree felony for any person to:

(1) alter with fraudulent intent any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title issued by the division or its authorized agent;

(2) forge or counterfeit any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title purporting to have been issued by the division or its authorized agent;

(3) alter, falsify, or forge any assignment upon a motorboat, sailboat, or outboard motor certificate of title; or

(4) hold or use any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title knowing it has been altered, forged, or falsified.

73-18-7.3. Suspension or revocation of a registration or certificate of title.

The division or its authorized agent may suspend or revoke the registration or certificate of title of a motorboat, sailboat, or outboard motor if:

- (1) the division or its authorized agent determines that the registration or certificate of title was fraudulently or erroneously issued;
- (2) the division or its authorized agent determines that a registered motorboat or sailboat is mechanically unfit or unseaworthy for operation on the waters of this state;
- (3) a registered motorboat or sailboat has been dismantled or wrecked so that it loses its character as a vessel;
- (4) the division or its authorized agent determines that the required registration or titling fee has not been paid or is not paid upon reasonable notice and demand;
- (5) a registration decal or number is knowingly displayed upon a motorboat or sailboat other than the one for which the decal or number was issued;
- (6) the division or its authorized agent determines that the owner has committed any offense under this chapter or Title 41, Chapter 1a Part 5, involving the registration or certificate of title of a motorboat, sailboat, or outboard motor; or
- (7) the division or authorized agent is so authorized under any other provision of law.

73-18-7.4. Canceled, suspended, or revoked registration or certificate of title to be returned.
If the division or its authorized agent cancels, suspends, or revokes the registration or certificate of title of a motorboat, sailboat, or outboard motor, the owner shall immediately return the canceled, suspended, or revoked registration card, registration decal, or certificate of title to the division or authorized agent.

73-18-8. Safety equipment required to be on board vessels.

(1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person on board, one personal flotation device which is approved for the type of use by the commandant of the United States Coast Guard.

(b) Each personal flotation device shall be:

- (i) in serviceable condition;
- (ii) legally marked with the United States Coast Guard approval number;
and
- (iii) of an appropriate size for the person for whom it is intended.

(c) (i) Sailboards are exempt from the provisions of Subsection (1)(a).

(ii) The board may exempt certain types of vessels from the provisions of Subsection (1)(a) under certain conditions or upon certain waters.

73-18-8. (1)(d) The board may require by rule for personal flotation devices to be

worn:

- (i) while a person is on board a certain type of vessel;
- (ii) by a person under a certain age; or
- (iii) on certain waters of this state.

R651-215. Personal Flotation Devices.

R651-215-1. Definitions.

- (1) "PFD" means personal flotation device.
- (2) "Vessel length" is the measurement of the permanent part of the hull, from bow to stern, across the deck down the centerline, excluding sheer.
- (3) "Wear" means to have the PFD properly worn with all fasteners connected.
- (4) "Whitewater canoe" means a one or two person capacity hard hulled canoe designed for white water activities and is equipped with: floatation (e.g., factory end chambers or float bags) and thigh straps or retention devices to hold the operator(s) in the vessel if it rolls.

R651-215-2. PFD Requirements for Vessels Less than 16 Feet in length.

No person shall operate or give permission for the operation of a vessel less than 16 feet in length unless there is at least one Type I, II, or III PFD for each person on board.

R651-215-3. PFD Requirements for Vessels 16 Feet or More in Length.

No person shall operate or give permission for the operation of a vessel 16 feet or more in length unless there is at least one Type I, II, or III PFD for each person on board. In addition to the total number of PFD's, there shall also be one Type IV PFD on board.

R651-215-4. Types of Personal Flotation Devices.

Type I - Off-shore Life Jacket - provides the most buoyancy of any type of PFD. Designed to turn the most unconscious wearers to a face-up position in the water. Effective for all waters, especially open, rough or remote waters where rescue may be delayed. Acceptable for use on all vessels.

Type II - Near Shore Buoyancy Vest - is designed to turn some unconscious wearers to a face-up position in the water. Intended for calm, inland waters where there is a good chance of quick rescue.

Type III - Flotation Aid - Good for conscious users in calm, inland waters where there is good chance of quick rescue. Designed so conscious wearers can place themselves in a face up position in the water. The wearer may have to tilt their head back to avoid turning face-down in the water.

Type IV - Throwable Device - Designed to be thrown to a person in the water and grasped and held by the user until rescued. Not designed to be worn.

Type V - Special Use Device - Intended for specific activities and may be carried instead

of another PFD if used according to the approval conditions on its label.

R651-215-5. Immediately Available and Readily Accessible.

Type IV PFDs shall be immediately available; all other types of PFD shall be readily accessible, unless wearing is required.

R651-215-6. Type V PFD Carried in Lieu.

A Type V PFD may be carried or worn in lieu of another required PFD, but only if it is used according to the approval conditions on its label.

R651-215-7. Whitewater River PFD Requirements.

On whitewater rivers, as defined in Subsection R651-206-2 (1), Type I or Type III PFDs, are required and shall be used according to the approval conditions on their labels.

R651-215-9. River Throw Bag in Lieu of Type IV PFD.

On a river section where PFDs are required to be worn, or on any river section where all vessel occupants are wearing PFDs, in lieu of the Type IV PFD requirement, a throw bag with a minimum of 40 feet of line may be carried.

R651-215-11. Required Wearing of PFDs.

(1) An inflatable PFD may not be used to meet the requirements of this Section.

(2) All persons on board a personal watercraft or a sailboard shall wear a PFD.

(3) The operator of a vessel under 19 feet in length shall require each passenger 12 years of age or younger to wear a PFD. This rule is also applicable to vessels 19 feet or more in length, except when the child is inside the cabin area.

(4) On rivers, every person on board a vessel shall wear a PFD, except PFDs may be loosened or removed by persons 13 years of age or older on designated flat water areas as listed in Section R651-215-12.

R651-215-12. River Flat Water Areas.

(1) On the Green River:

(a) from Red Creek Camp below Red Creek Rapids to the Indian Crossing Boat Ramp;

(b) from 100 yards below Taylor Flats Bridge to the Utah/Colorado state line in Browns Park;

(c) within Dinosaur National Monument, from the mouth of Whirlpool Canyon to the head of Split Mountain Gorge;

(d) from the mouth of Split Mountain to Jack Creek in Desolation Canyon; and

(e) from the Green River Diversion Dam below Gray Canyon to the confluence with the Colorado River.

(2) On the Colorado River:

- (a) from the Colorado/Utah state line to the Westwater Ranger Station;
 - (b) from Big Hole Canyon in Westwater Canyon to Onion Creek;
 - (c) from Drinks Canyon, mile 70, to the confluence with the Green River; and
 - (d) after the last active rapid in Cataract Canyon.
- (3) On the San Juan River, after the last active rapid prior to Lake Powell.

R651-215-13. PFDs.

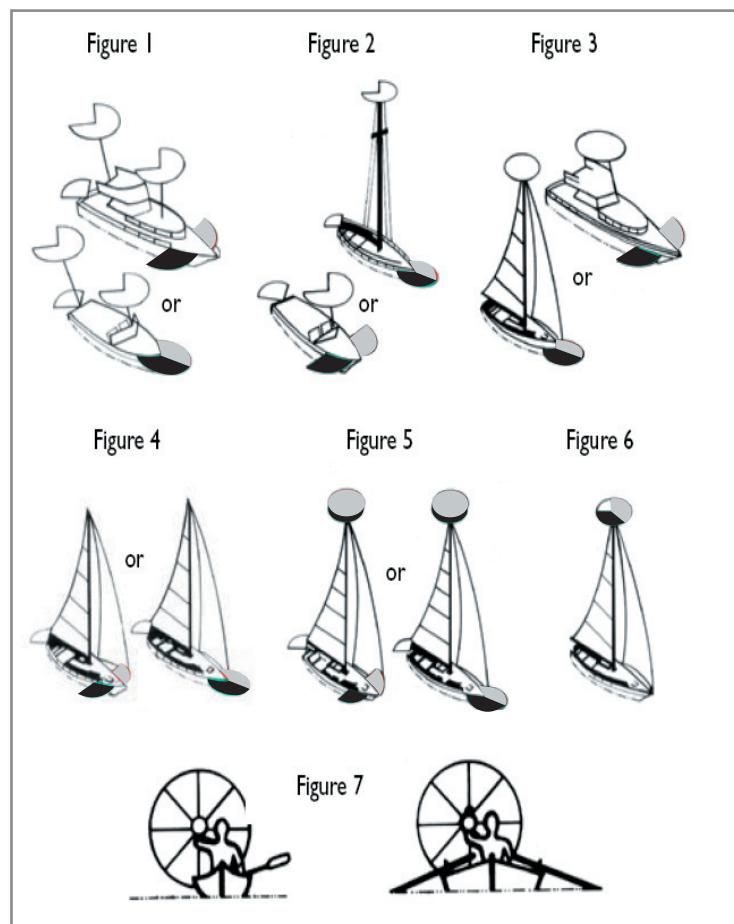
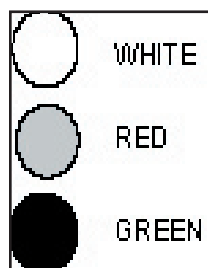
All Personal Flotation Devices (PFDs) must be used according to the conditions or restrictions listed on the U.S. Coast Guard Approval Label.

73-18-8.

(1)(e) For vessels 16 feet or more in length, there shall also be on board, one Type IV throwable personal flotation device which is approved for this use by the commandant of the United States Coast Guard.

(2) Each vessel shall display navigation lights when the vessel is on the waters of this state between sunset and sunrise.

R651-216. Navigation Lights.



R651-216-1. Motorboats less than 40 feet in length shall exhibit the navigation lights shown in either figure 1, 2, or 3.

R651-216-2. Motorboats 40 feet to less than 65 feet in length shall exhibit the navigation lights shown in either figure 1 or 2.

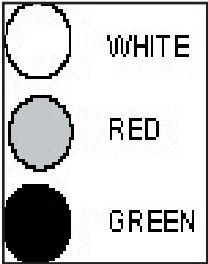




R651-216-3. Sailboats shall exhibit the navigation lights shown in either figure 4, 5, or 6.

R651-216-4. A sailboat under motor power shall exhibit the motorboat navigation light requirements.

R651-216-5. A vessel manually propelled may exhibit the navigation lights required for sailboats or have ready at hand a flashlight or lighted lantern showing a white light which shall be displayed in sufficient time to prevent collision (figure 7).

R651-216-6. Vessels at anchor shall display an all-round white anchor light unless anchored in a designated mooring area.

R651-216-7. Visible Range.

	Visible Range			
	Location of Lights on Vessel	Less than 40 ft.	40 ft.-60 ft.	Degrees of Arc Lights
	 Masthead	2 miles	3 miles	225°
	 All-round	2 miles	2 miles	360°
	 Side Lights	1 miles	2 miles	112.5° (each color)
	 Stern Light	2 miles	2 miles	135°

R651-216-8. Vessels may only display lights as outlined above expect:

(a) a spotlight or other non-navigational light may be used intermittently to locate a hazard to navigation, or

(b) non-navigational lights may be used during a federal or state permitted marine parade.

73-18-8. (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in any enclosure for any purpose, the vessel must be equipped with an efficient natural or mechanical ventilation system which is capable of removing resulting gases prior to and during the time the vessel is occupied by any person.

(4) Each vessel shall have fire extinguishing equipment on board.

R651-217. Fire Extinguishers.

R651-217-1. Fire Extinguishers On Motorboats.

All motorboats, unless exempt, must have on board a readily accessible and approved fire extinguisher as specified in Section R651-217-2.

R651-217-2. Fire Extinguishers Required.

<u>TABLE</u>	
LENGTH OF MOTORBOAT	NUMBER/SIZE
Less than 26 feet in length*	1/B-I
26 feet to less than 40 feet in length	2/B-I or 1/B-II
40 feet to 65 feet in length	3/B-I or 1/B-I and 1/B-II
* If an outboard motorboat of open construction and not carrying passengers for hire, a fire extinguisher is not required (see Section R651-217-5).	

R651-217-3. Fire Extinguisher Types.

<u>TABLE</u>				
LISTING TYPES	FOAM	CARBON DIOXIDE	DRY CHEMICAL	HALON
B-I	1.25 gal	4 lbs	2 lbs	2.5 lbs
B-II	2.5 gal	15 lbs	10 lbs	10 lbs

R651-217-4. Engine Compartment Fire Extinguishers.

When the engine compartment is equipped with a fixed extinguishing system, one less B-I extinguisher is required.

R651-217-5. Open Construction Exemptions.

An outboard motorboat is not considered "of open construction" if any one of the following conditions exist: closed compartment under thwarts (motor well) and seats where portable fuel tanks may be stored; double bottoms not sealed to the hull or which are not completely filled with flotation material; closed living spaces; closed stowage compartments in which combustible or flammable materials are stored; or permanently installed fuel tanks.

R651-217-6. Certifying, Recharging, or Servicing a Fire Extinguisher.

Each fire extinguisher, except a disposable fire extinguisher, must show evidence of being certified, recharged, or serviced once every five years, or a current standard as described in the National Fire Protection Agency - Publication 10, by a qualified fire fighting equipment repair service.

R651-217-7. Disposable Fire Extinguishers

(1) If a fire extinguisher is unable to be certified, recharged or serviced by a qualified fire fighting equipment repair service, it is considered disposable.

(2) The serviceability of a disposable fire extinguisher expires upon being discharged, loss of pressure or charge, or 12 years from the date of manufacture printed on the label or imprinted on the bottom of the fire extinguisher.

73-18-8.(5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame control

device.

R651-218. Carburetor Backfire Flame Control.

R651-218-1. (1) The following are acceptable means of backfire flame control:

- (a) an approved flame arrester secured to the air intake with flamtight connection;
- (b) an approved engine air and fuel induction system; or
- (c) an attachment to the carburetor or location of the engine air induction system where a flame caused by engine backfire will be dispersed outside the vessel in a manner that the flame will not endanger the vessel or passengers. All attachments shall be of metallic construction with flamtight connections and secured to withstand vibration, shock, and engine backfire.

73-18-8. (6) The board may:

- (a) require additional safety equipment by rule; and
- (b) adopt rules conforming with the requirements of this section which govern specifications for and the use of safety equipment.

R651-219. Additional Safety Equipment.

R651-219-1. Sound Producing Device.

- (1) Vessels 16 feet to less than 40 feet in length shall have on board a means of making an efficient sound, horn or whistle, capable of a four-to-six-second blast.
- (2) Vessels 40 feet to less than 65 feet in length shall have on board a horn and a bell. The horn shall be capable of a four-to-six-second blast and audible for one-half mile. The bell shall be designed to give a clear tone.

R651-219-2. Bailing Device.

All vessels, not of self-bailing design, shall have on board an adequate bail bucket or be equipped with a mechanical means for pumping the bilge.

R651-219-3. Spare Propulsion.

Vessels less than 21 feet in length shall have on board at least one spare motor, paddle or oar capable of maneuvering the vessel when necessary. On rivers when one-or-two-man capacity vessels less than 16 feet in length are traveling in a group, the above requirement may be met by carrying one spare oar or paddle for every three vessels in the group. On hard hulled white water kayaks, paddles designed to be strapped to or worn on the hand must meet this requirement.

R651-219-4. Airboat Requirements.

Airboats operated on the Great Salt Lake and adjacent refuges shall also have on board a compass and one of the following: approved flares, a strobe light, or other visual distress signal.

R651-219-5. Equipment Good and Serviceable.

All required safety equipment shall be in good and serviceable condition, and readily accessible, unless required to be immediately available.

R651-219-6. Law Enforcement Vessels.

No vessel operator except authorized law enforcement and emergency vessel operators may display red or blue flashing lights or sound a siren on any waters of this state.

R651-219-7. Equipment Exemptions.

(1) Sailboards and personal watercraft are exempt from the following rules: Section R651-219-2 bail buckets; Section R651-219-3 spare propulsion; and Section R651-225-4 prohibiting riding on exterior surfaces.

(2) Vessels owned by the Lagoon Corporation and operated by its employees or customers under the controlled use and confines of the Lagoon Amusement Park waterways are exempt from the following Sections: R651-215-11 (3), R651-219-2, and R651-219-3.

(3) Vessels owned by the Salt Lake Airport Hilton Inn and operated by its employees or customers under the controlled use and confines of the Salt Lake Airport Hilton Inn waterways are exempt from the following sections: R651-219-2 and R651-219-3.

(4) Racing vessels participating in a sanctioned race may be exempted from certain equipment requirements by the division upon written request to the division. The equipment exemption shall only be in effect the day before and the day of the race if conditions of the exemption are met.

73-18-8.(7) A person may not operate or give permission for the operation of a vessel which is not equipped as required by this section or rules promulgated under this section.

73-18-8.1. Capacity and certification label.

(1) Each vessel manufactured after November 1, 1972, which is less than 20 feet in length, except a sailboat, canoe, kayak, inflatable vessel, or homemade motorboat must have a United States Coast Guard capacity and certification label permanently affixed to the vessel and clearly visible to the operator when boarding or operating the vessel. The capacity and certification information may be combined together and displayed on one label.

(2) No person shall operate, or give permission for the operation of, any vessel on the waters of this state if it is loaded or powered in excess of the maximum capacity information on the United States Coast Guard capacity label.

(3) No person shall alter, deface, or remove any United States Coast Guard capacity or certification information label affixed to a vessel.

(4) No person shall operate, or give permission for the operation of, a vessel on the waters of this state if the required United States Coast Guard capacity or certification information label has been altered, defaced, or removed.

73-18-9. Exemptions from registration.

Registration under this chapter is not required for any of the following:

(1) a motorboat or sailboat already covered by a valid registration issued by its nonresident owner's resident state and it has not been within this state in excess of 14 days for the calendar year;

(2) a motorboat or sailboat from a country other than the United States temporarily using the waters of this state;

(3) a motorboat or sailboat whose owner is the United States, a state or subdivision thereof;

(4) a ship's lifeboat; or

(5) a motorboat or sailboat belonging to a class of vessels which is exempted from registration by the board after the board finds:

(a) that the registration of motorboats or sailboats of this class will not materially aid in their identification; and

(b) that the United States Coast Guard has a numbering system applicable to the class of motorboats or sailboats to which the motorboat or sailboat in question belongs, and the motorboat or sailboat would also be exempt from numbering if it were subject to federal law.

R651-220. Registration and Numbering Exemptions.

R651-220-1. Racing vessels owned by nonresidents, if not required to be registered and numbered in their resident state, are exempt from the registration and numbering requirements of this chapter. This exemption is valid only at the race site, on the day before and the day of a division authorized race.

R651-220-2. A sailboard is exempt from the registration and numbering requirements of this chapter.

73-18-10. Owner of boat livery - Duties.

(1) The owner of a boat livery shall keep a record of the following: the name and address of the person hiring any vessel; the identification number of the vessel; the vessel's departure date and time; and the vessel's expected time of return. The record shall be preserved for at least one year.

(2) Neither the owner of a boat livery, nor his agent or employee may permit any vessel to depart from the premises of the boat livery unless the owner has equipped it as required under this chapter and unless he has advised the lessee or renter of the vessel of all rules promulgated under this chapter which the lessee or renter must obey.

R651-221. Boat Liveries – Boat Rental Companies.

R651-221-1. Boat Livery Responsibilities.

(1) Each boat livery shall register with the Division annually and pay the appropriate fee, prior to the commencement of the operation.

(a) The annual boat livery registration requires the following:

(i) The completion of the prescribed application form;

(ii) Evidence of a valid business license; and

(iii) Payment of the prescribed fee.

(b) The annual boat livery registration fee shall be:

(i) \$50 for boat liveries with up to 25 vessels in its fleet;

(ii) \$75 for boat liveries with up to 50 vessels in its fleet;

(iii) \$100 for boat liveries with more than 50 vessels in its fleet.

(c) A boat livery that is registered with the Division as an outfitting company shall not pay the boat livery registration fee.

(d) The annual boat livery registration will be required beginning January 1, 2008.

(2) The name of the boat livery shall be displayed on the outward superstructure of each vessel in the boat livery's fleet. If another governmental agency prohibits the display of a livery's name on the exterior of a vessel, the name shall be displayed in a visible manner that does not violate the agency's requirements.

(3) A boat livery shall produce a lease or rental agreement for each vessel leased or rented from its fleet.

(a) The lease or rental agreement shall be signed by the owner of the livery or his representative and by the person leasing or renting the vessel.

(b) A copy of the lease or rental agreement shall be carried on board the vessel and shall contain the following information:

(i) The name of the person leasing or renting the vessel;

(ii) The vessel's assigned bow number, hull identification number, or other number if the vessel is not powered by a motor or sail;

(iii) A description of the vessel's make, model, color and length;

(iv) The period of time for which the vessel is leased or rented; and

(v) A check-off list of the required safety equipment provided on the vessel.

(c) For non-motorized vessels rented or leased in a group, one rental agreement is required and shall be carried on board one of the vessels by the person who rented or leased the vessels or the designated group leader.

(4) Upon request of an agent of the Division, the owner of a boat livery or his representative shall provide the Division with a copy of a lease or rental agreement.

(5) The certificate of registration for a leased or rented vessel may be retained on shore by the boat livery.

(6) A recreational "equipment timeshare" business which leases or rents vessels for consideration is a boat livery.

(7) A boat livery shall have each vessel in its fleet that is equipped with a 50 hp or greater motor covered with liability insurance as required in UCA 73-18c-101 through 308, and UCA 31A-22-1501 through 1504.

73-18-11 Regulation of muffling devices.

The board shall adopt rules for the regulation of muffling devices on all vessels.

R651-222. Muffling Requirements.

R651-222-1. Mufflers Required.

Every motorboat operated upon the waters of this State shall at all time be equipped with a muffler or a muffler system in good working order and in constant operation and effectively installed to prevent any excessive or unusual noise.

R651-222-2. Muffler Defined.

"Muffler" means a sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and prevents excessive or unusual noise.

R651-222-3. Maximum Sound Level SAE J2005.

No person shall operate or give permission for the operation of any motorboat upon the waters of this state in such a manner as to exceed the following noise levels:

(1) For engines manufactured before January 1, 1993, a noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by test SAE J2005; or

(2) for engines manufactured on or after January 1, 1993, a noise level of 88dB(A) when subjected to a stationary sound level test as prescribed by test SAE J2005.

R651-222-4. Maximum Sound Level SAE J1970.

After January 1, 1992 no person shall operate a motorboat on the waters of this state in such a manner as to exceed a noise level of 75dB(A) measured as specified in test SAE J1970. Provided, that such measurement shall not preclude a stationary sound level test as prescribed by SAE J2005.

R651-222-5. Muffler Bypass or Alteration Prohibited.

(1) No person shall operate or give permission for the operation of any motorboat upon the waters of this state that is equipped with an altered muffler, muffler cutout, muffler bypass, or other device designed or installed so that it can be used to continually or intermittently bypass; or reduce or eliminate the effectiveness of any muffler or muffler system installed on a motorboat.

(2) Rule R651-222-5 (1) shall not apply to a motorboat equipped with a muffler cutout, muffler bypass, or other device designed or installed so that it can be used to continually or intermittently bypass; or reduce or eliminate the effectiveness of any muffler or muffler system installed on a motorboat, if the mechanism has been permanently disconnected or made inoperable, where it cannot be operated in the manner described in Rule R651-222-5 (1), or (b) the muffling systems operated by the bypass meet the requirements in R651-222-3.

R651-222-6. Muffler Removal Prohibited.

No person shall remove, alter, or otherwise modify in any way a muffler or muffler system on a motorboat, in a manner that will prevent the motorboat from complying with rule R651-222-3.

R651-222-7. Mufflers Required on Motorboats Sold.

(1) No person shall manufacture, sell, or offer for sale any motorboat:

(a) that is not equipped with a muffler or muffler system; or

(b) that does not comply with rule R651-222-3.

(2) This rule shall not apply to motorboats designed, manufactured and sold for the sole purpose of competing in racing events only and for no other purpose. Any motorboat exempted under this rule shall be documented as such in the sales agreement and shall be formally acknowledged by signature of the buyer and seller and copies of the agreement shall be maintained by both parties. A copy of the agreement shall be kept on board whenever the motorboat is operated. Any motorboat sold under this exemption may only be operated on the waters of this State in accordance with rule R651-222-8.

R651-222-8. Muffler Exemptions.

Except as outlined in rule R651-222-7, the operational provisions of this rule shall not apply to:

(1) motorboats registered in and actually participating in a racing event authorized by the Division or scheduled tuneup periods prior to the racing event; or

(2) to a motorboat being operated by a boat or engine manufacturer for the purpose of testing and/or development and the testing has been authorized by the Division.

R651-222-9. Enforcement.

A peace officer who has reason to believe that a motorboat is being operated in excess of the noise levels established in rule R651-222-3, may direct the operator of the motorboat to submit the motorboat to an on-site test to measure the noise level. If the motorboat exceeds the established decibel level, in addition to issuing a summons, the officer may direct the operator to return to the point of embarkation and prohibit operation of the motorboat until the motorboat meets the established decibel level.

73-18-12. Operation in willful or wanton disregard for safety - Penalty.

(1) A person may not operate any nonmotorized vessel, or manipulate any water skis or any device towed by a motorboat in a willful or wanton disregard for the safety of persons or property.

(2) A violation of Subsection (1) is a class B misdemeanor.

73-18-13. Duties of operator involved in accident - Notification and reporting procedure - Use of accident reports - Penalty for giving false information.

(1) It is the duty of the operator of a vessel involved in an accident, if he can do so without seriously endangering his own vessel, crew, or passengers, to render aid to those affected by the accident as may be practicable. The operator shall also give his name, address, and identification of his vessel in writing to any person injured or to the owner of any property damaged in the accident.

(2) The board shall adopt rules governing the notification and reporting procedure for vessels involved in accidents. Such rules shall be consistent with federal requirements.

R651-223. Vessel Accident Reporting.

R651-223-1. An operator shall immediately and by the quickest means of communication available notify the nearest state park ranger or other law enforcement officer of an accident that involves a vessel or its equipment when one of the following occurs: a person dies or disappears from a vessel under circumstances that indicate death; a person is injured and receives medical treatment beyond first aid; or property is damaged in excess of \$2,000.

This notification shall include:

- (a) the date, time, and location of the occurrence;
- (b) the name of each person who died or disappeared;
- (c) the assigned number of the vessel; and
- (d) the name and address of the owner and operator.

R651-223-2. If the operator cannot provide this notification, then another person on board shall make the notification required in rule R651-223-1.

R651-223-3. The operator, owner, or other person on board shall submit a completed and signed Owner/Operator Boating Accident Report (PR-53A) to the division within 10 days of the accident.

73-18-13. (3) All accident reports shall be for the confidential use of the division or other state agencies having use for the records for accident prevention purposes, except that the division may disclose the identity of a person involved in an accident when the person's identity is not otherwise known or when the person denies his presence at the accident. No report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the division shall furnish upon demand of any person who has, or claims to have, made the report, or upon demand of any court, a certificate showing

that a specified accident report has or has not been made to the division solely to prove a compliance or a failure to comply with the requirement that a report be made to the division. Reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (4).

(4) Any person who gives false information, knowingly or having reason to believe it is false, in an oral or written report as required in this chapter, is guilty of a class A misdemeanor.

73-18-13.5. Motorboat accidents -- Investigation and report of operator security -- Agency action if no security -- Surrender of registration materials.

(1) Upon request of a peace officer investigating an accident involving a motorboat, the operator of the motorboat shall provide evidence of the owner's or operator's security required under Section 73-18c-301.

(2) The peace officer shall record on a form approved by the division:

(a) the information provided by the operator;

(b) whether the operator provided insufficient or no information; and

(c) whether the peace officer finds reasonable cause to believe that any information given is not correct.

(3) The peace officer shall deposit all completed forms with the peace officer's agency, which shall forward the forms to the division no later than ten days after receipt.

(4) (a) The division shall revoke the registration of a motorboat involved in an accident unless the owner or operator can demonstrate to the division compliance with the owner's or operator's security requirement of Section 73-18c-301 at the time of the accident.

(b) Any registration revoked may not be renewed for a period of one year following the date of revocation.

(5) A person may appeal a revocation issued under Subsection (4) in accordance with procedures established by the board by rule that are consistent with Title 63, Chapter 46b, Administrative Procedures Act.

(6) (a) Any person whose registration is revoked under Subsection (4) shall return the registration card and decals for the motorboat to the division.

(b) If the person fails to return the registration materials as required, they shall be confiscated under Section 73-18-13.6.

(7) The board may make rules for the enforcement of this section.

(8) In this section, "evidence of owner's or operator's security" includes any one of the following:

- (a) the operator's:
 - (i) insurance policy;
 - (ii) binder notice;
 - (iii) renewal notice; or
 - (iv) card issued by an insurance company as evidence of insurance;
- (b) a copy of a surety bond, certified by the surety, which conforms to Section 73-18c-103;
- (c) a certificate of the state treasurer issued under Section 73-18c-305; or
- (d) a certificate of self-funded coverage issued under Section 73-18c-306.

73-18-13.6. Grounds for confiscation of registration materials by state -- Additional fee for reinstatement.

(1) (a) The division, any peace officer acting in an official capacity, or a person authorized under Subsection (2) may take possession of any registration card or decal issued by the state:

- (i) upon revocation of it;
- (ii) that is fictitious;
- (iii) that has been unlawfully or erroneously issued; or
- (iv) that is unlawfully or erroneously displayed.

(b) A receipt shall be issued that describes each confiscated item.

(2) The division may enter into contractual agreements with constables or other law enforcement agencies to facilitate confiscation of items listed in Subsection (1) if a person fails or refuses to surrender any of those documents to the division upon demand.

(3) The division shall assess against a person making an application to renew a registration, a fee, which shall be paid before the person's registration is renewed, to cover any costs of confiscating that person's registration materials.

73-18-14. Transmittal of information to official or agency of United States.

In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the division under Subsection 73-18-13 (2) shall be transmitted to the official or agency of the United States.

73-18-15. Board to adopt rules concerning water skiing and aquaplane riding and use of other devices towed behind a vessel.

The board shall adopt rules for the regulation and safety of water skiing and aquaplane riding, and the use of other devices which are towed behind a vessel.

R651-224. Towed Devices.

R651-224-1. The operator of a vessel which is towing a person on water skis or other devices shall be responsible for maintaining a safe course with proper lookout. The progress of the person under tow shall be reported to the vessel operator by an onboard observer.

R651-224-2. Unlawful Methods of Towing. No person shall operate a motorboat or have the engine of a motorboat run idle while a person is occupying or holding onto the swim platform, swim deck, swim step or swim ladder of the motorboat or while a person is being towed in a non-standing position within 20 feet of the vessel. These restrictions do not apply when a person is occupying the swim platform, swim deck, swim step or swim ladder while assisting with the docking or departure of the motorboat, while exiting or entering the motorboat, or when a motorboat is engaged in law enforcement activity.

R651-224-3. A flag shall be displayed by the observer in a visible manner to other boaters in the area while the person to be towed is in the water, either preparing to be towed or finishing a tow. The flag shall be international orange at least 12 inches square and mounted on a handle.

R651-224-4. The operator of a vessel which is towing a person(s) on water skis or other devices shall require each person who is water skiing or using other devices to wear a United States Coast Guard approved personal flotation device (PFD), except an inflatable PFD may not be used.

R651-224-5. The operator of a vessel which is towing a person(s) on water skis or other devices shall use a vessel with sufficient carrying capacity, as defined by the manufacturer, for the occupant(s) onboard and the person(s) being towed.

R651-224-6. No Towing in Marinas.

The operator of a vessel shall not tow a person(s) in or on any towed device within a wakeless area surrounding a developed marina or launch ramp.

73-18-15.1. Vessel Navigation and Steering Rules.

(1) The operator of a vessel shall maintain a proper lookout by sight and hearing at all times to avoid the risk of collision.

(2) When two motorboats approach each other where there is risk of collision, each shall alter course to the starboard and pass on the port side of the other.

(3) When two motorboats are crossing paths and are at risk of a collision, the vessel which has the other vessel on its starboard side shall keep out of the way and yield right-of-way if necessary.

(4) The operator of any vessel overtaking any other vessel shall keep out of the way of the vessel being overtaken.

(5) The operator of a vessel underway shall keep out of the way of a:

(a) a vessel not under command;

(b) vessel restricted in its ability to maneuver;

(c) vessel engaged in fishing; and

(d) sailing vessel.

(6) If the operator of one of two vessels is to keep out of the way, the other vessel operator shall maintain his course and speed unless it becomes apparent the other vessel is not taking the appropriate action.

(7) In narrow channels an operator of a vessel underway shall keep to the right of the middle of the channel.

(8) The operator of a vessel shall proceed at a safe speed at all times so that he can take proper and effective action to avoid collision and stop at an appropriate distance from the prevailing circumstance or condition.

(9)(a) When the operators of two sailboats are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(i) when each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(ii) when both have the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to leeward; and

(iii) if the operator of a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, the operator shall keep out of way of the other vessel.

(b) For the purpose of this Subsection (9), the windward side shall be the side opposite that on which the mainsail is carried.

(10) The operator of any vessel may not exceed a wakeless speed when:

(a) within 150 feet of;

(i) another vessel;

(ii) a person in or floating on the water;

(iii) a water skier being towed by another boat;

(iv) a shore fisherman;

(v) a launching ramp;

(vi) a dock; or

(vii) a designated swimming area; or

(b) in an area designated as a wakeless speed area.

(11) The operator of a motorboat is responsible for any damage and/or injury caused by the wake produced by his vessel.

(12)(a) Except as provided in Subsection (12)(b), the operator of a motorboat that is less than 65 feet in length shall not exceed a wakeless speed while any person is riding upon the bow decking, gunwales, transom, seatbacks, or motor cover.

(b) Subsection (12)(b) does not apply if the motorboat is:

(i) between 16 feet to 65 feet in length; and

(ii) the motorboat is equipped with adequate rails or other safeguards to prevent a person from falling overboard.

(13) If a person is riding upon the bow decking of a motorboat which does not have designed seating for passengers, the person shall straddle one of the upright supports of the bow rail and must not block the vision of the operator.

(14) the operator of a vessel may not tow a water skier or a person on another device:

(a) unless an onboard observer, who is at least eight years of age, is designated by the operator to watch the person being towed; to

(b) between sunset and sunrise.

(15) The operator of a vessel being operated between sunset and sunrise shall display lighted navigation lights approved by the division.

(16) A person who violates this section is guilty of a class C misdemeanor.

73-18-15.2. Minimum age of operators—Boating safety course for youth to operate personal watercraft.

(1) (a) A person under 16 years of age may not operate a motorboat on the waters of this state unless the person is under the on-board and direct supervision of a person who is at least 18 years of age.

(b) A person under 16 years of age may operate a sailboat, if the person is under the direct supervision of a person who is at least 18 years of age.

(2) A person under who is at least 12 years of age or older but under 16 years of age may operate a personal watercraft provided he:

(a) is under the direct supervision of a person who is at least 18 years of age;

(b) completes a boating safety course approved by the division; and

(c) has in his possession a boating safety certificate issued by the boating safety course provider.

(3) A person who is at least 16 years of age but under 18 years of age may operate a personal watercraft, if the person:

(a) completes a boating safety course approved by the division; and

(b) has in his possession a boating safety certificate issued by the boating safety course provider.

(4) A person required to attend a boating safety course under Subsection (3)(a) need not be accompanied by a parent or legal guardian while completing a boating safety course.

(5) No person may give permission to another person to operate a vessel in violation of this section.

(6) As used in this section, "direct supervision" means oversight at a distance within which visual contact is maintained.

(7)(a) The division may collect a fee not to exceed \$12 from each person who takes the division's boating safety course to help defray the cost of the boating safety course

(b) Money collected from the fee collected under Subsection (7)(a) shall be deposited in the Boating Account.

R651-227-1. Boating Safety Course Fees.

(1) The fee for the motorboat education course is \$12.

(2) The fee to replace a lost or stolen motorboat education certificate is \$5.

73-18-15.3. Motorboat - Prohibition on operation between sunset and sunrise.

A person may not operate a motorboat on the waters of this state between sunset and sunrise.

73-18-15.5. Authorizing or permitting driving a vessel in violation of law.

(1) A person may not authorize or knowingly permit a vessel owned by him or that is under his control to be driven by a person in violation of this chapter of Title 41, Chapter 6, Article 5, Driving While Intoxicated and Reckless Driving.

(2) A person who violates Subsection (1) is guilty of a class C misdemeanor.

73-18-16. Regattas, races, exhibitions - Rules.

The division may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments, or exhibitions on any waters of this state. The board may adopt rules concerning the safety of vessels and persons, either as observers or

participants.

R651-226. Regattas and Races.

R651-226-1. Authorization to hold a marine event shall be obtained from the division as well as from any other person or agency who owns or administers the land adjacent to the marine event.

73-18-17. Scope of application of chapter - Identical local ordinances authorized - Application for special local rules.

(1) This chapter, and other applicable laws of this state govern the operation, equipment, and numbering of vessels whenever any vessel is operated on the waters of this state, or when any activity regulated by this chapter takes place on the waters of this state. Nothing in this chapter prevents the adoption of any ordinance or local law relating to operation and equipment of vessels, the provisions of which are identical to the provisions of this chapter, amendments to this chapter, and rules promulgated under this chapter. Ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this chapter, amendments to this chapter, and rules promulgated under this chapter.

(2) Any political subdivision of this state may, at any time, but only after public notice, formally apply to the board for special rules concerning the operation of vessels on any waters within its territorial limits. The political subdivision shall set forth in the application the reasons which make special rules necessary or appropriate.

73-18-18. Liability of owner for injury or damage occasioned by negligent operation of vessel by minor.

The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, by a minor under the age of 18 years operating such vessel with the express or implied consent of the owner, whether under the laws of this state or by neglecting to observe such ordinary care and such operation as the rules of common law require.

73-18-19. Publication and filing of rules and regulations.

The rules promulgated under this chapter shall be published as required by Chapter 46a, Title 63, the Utah Administrative Rulemaking Act.

73-18-20. Enforcement of act - Authority to stop and board vessels - Disregarding law enforcement signal to stop as a misdemeanor - Procedure for arrest.

(1) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules promulgated under this chapter.

(2) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, has the authority to stop and board any vessel subject to this chapter, whether the vessel is on water or land. If that officer determines the vessel is overloaded, unseaworthy, or the safety equipment required by this chapter or rules of the board is not on the vessel, that officer may prohibit the launching of the vessel or stop the vessel from operating.

(3) An operator who, having received a visual or audible signal from a law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to bring his vessel to a stop, operates his vessel in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vessel or endanger any person, or who attempts to flee or elude the officer whether by vessel or otherwise is guilty of a class A misdemeanor.

(4) Whenever any person is arrested for any violation of the provisions of this chapter or of the rules promulgated under this chapter, the procedure for arrest is the same as outlined in Sections 41-6-166 through 41-6-169.

73-18-20.1. Seizure of a vessel.

(1) A peace officer, without a warrant, may seize and take possession of a vessel:

(a) that is placed or being operated on the waters of this state with improper registration;

(b) that the peace officer has reason to believe has been stolen;

(c) on which any hull identification number or serial number for an engine or outboard motor has been defaced, altered, or obliterated;

(d) that has been abandoned on public land, highways, or waters of this state; or

(e) if the registration or title fees for the vessel or outboard motor have not been paid.

(2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.

(3) Any peace officer seizing or taking possession of a vessel under this section shall immediately notify the Motor Vehicle Division of the State Tax Commission of the action and shall impound the vessel at a docking area, public or private garage, state impound lot, or other storage facility approved by the Motor Vehicle Division.

73-18-20.2. Release and sale of a seized vessel.

(1) A vessel seized under Section 73-18-20.1 shall remain impounded until:

(a) the vessel's registration has been properly completed and the appropriate fees have been paid; or

(b) the ownership of the vessel is established to the satisfaction of the division or its authorized agent.

(2) If the hull identification number or serial number for the engine or outboard motor has been defaced, altered, or obliterated, the vessel may not be released until:

(a) the original manufacturer's hull identification number or engine or outboard motor serial number has been replaced; or

(b) a new number assigned by the division or its authorized agent has been provided

and has been affixed to the vessel, engine, or outboard motor.

(3)(a) Any seized vessel not claimed by the registered owner or the owner's agent within 30 days shall be sold and handled in accordance with the procedures specified in Sections 41-1-117 through 41-1-119 for the sale of impounded motor vehicles.

(b) The proceeds, if any, shall be disposed of in the same manner as under Section 41-1-117.

(c) Transportation, impound fees, or storage fees are a lien on the vessel.

73-18-20.3. Falsified hull identification, engine, or motor number.

(1) A person is guilty of a third degree felony if he:

(a) with fraudulent intent defaces, destroys, or alters a vessel hull identification number or serial number for an engine or outboard motor;

(b) places or stamps any vessel hull identification number upon a vessel or serial number upon an engine or outboard motor, except one assigned by the division or its authorized agent;

(c) knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any vessel, or engine or outboard motor removed from a vessel, from which the vessel hull identification number or engine or outboard motor serial number, has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the vessel, engine, or outboard motor;

(d) with intent to procure or pass title to a vessel or outboard motor, receives or transfers possession of a vessel or outboard motor which he knows or has reason to believe has been stolen or unlawfully taken; or

(e) has in his possession a vessel or outboard motor which he knows or has reason to believe has been stolen or unlawfully taken, unless the person is a peace officer engaged at the time in the performance of his duty.

(2)(a) This section does not prohibit the restoration by an owner of an original vessel hull identification number or manufacturer's serial number for an engine or outboard motor if the restoration is made by application to the division or its authorized agent.

(b) This section does not prohibit any manufacturer from placing, in the ordinary course of business, numbers or marks upon vessels, motors, outboard motors, or parts.

73-18-20.4. Duty to report falsified vessel or motor number.

Any person owning or operating a marina, marine dealership, service station, public garage, paint shop, or a vessel repair shop shall immediately notify the local police authorities of any vessel or outboard motor that has any numbers that have apparently been altered, obliterated, or removed.

73-18-20.5. Reporting of theft and recovery of vessels.

(1)(a) Any peace officer upon receiving reliable information that any vessel or outboard

motor has been stolen shall immediately report the theft to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.

(b) Any peace officer upon receiving information that any vessel or outboard motor which was previously reported as stolen has been recovered shall immediately report the recovery to his law enforcement agency and to the Criminal Investigations and Technical Services Division.

(c) The reporting and recovery procedures for vessels and outboard motors shall be the same as those specified in Section 41-1a-1401 for motor vehicles.

73-18-20.6. Report by owners or lien holders of thefts and recoveries.

(1) The owner, or person having a lien or encumbrance upon a registered vessel or outboard motor which has been stolen or embezzled, may notify the law enforcement agency having jurisdiction where the theft or embezzlement occurred. If a vessel or outboard motor was embezzled, a report may be made only after having procured the issuance of a warrant for the arrest of the person charged with the embezzlement.

(2) Any person who has given any notice under Subsection (1) shall notify the law enforcement agency where the theft or embezzlement was reported of a recovery of the vessel or outboard motor.

73-18-20.7. Unlawful control over vessels - Penalties - Effect of prior consent - Accessory or accomplice.

(1) Any person who exercises unauthorized control over a vessel, not his own, without the consent of the owner or lawful custodian and with intent to temporarily deprive the owner or lawful custodian of possession of the vessel, is guilty of a class A misdemeanor.

(2) An offense under this section is a third degree felony if the actor does not return the vessel to the owner or lawful custodian within 24 hours after the exercise of unauthorized control.

(3) The consent of the owner or legal custodian of a vessel to its control by the actor is not in any case presumed or implied because of the owners or legal custodians consent on a previous occasion to the control of the vessel by the same or a different person.

(4) Any person who assists in, or is a party or accessory to or an accomplice in, an unauthorized taking or operating of a vessel is guilty of a class A misdemeanor.

73-18-21. Violation - Class B misdemeanor.

Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class B misdemeanor.

73-18-22. Boating Account created - Contents - Use of money.

(1) There is created within the General Fund a restricted account known as the Boating Account.

(2) Except as provided under Section 73-18-24, all registration fees and related

moneys collected by the division or any authorized agent, less the costs of collecting motorboat and sailboat registration fees by an authorized agent, shall be deposited into the Boating Account.

(3) The amount retained by an authorized agent may not exceed 20% of the fees charged in Section 73-18-7.

(4) Money in the Boating Account may be used for:

(a) the construction, improvement, operation, and maintenance of publicly owned boating facilities;

(b) boater education; and

(c) the payment of the costs and expenses of the division in administering and enforcing this chapter.

73-18-23. Separability clause.

If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the rest of this act shall not be affected thereby.

73-18-24. Search and rescue fee - Amount - Deposition.

(1) In addition to the fee imposed under Section 73-18-7, there is imposed a search and rescue fee of 50 cents on each motorboat or sailboat required to pay the fee imposed under Subsection 73-18-7(2) to be registered or renewed under Section 73-18-7.

(2) The fees imposed under this section shall be collected in the same manner and by the same agency designated to collect the fees imposed under this chapter.

(3) The fees collected under this section shall be deposited in the General Fund as dedicated credits for the Search and Rescue Financial Assistance Program created under Section 53-2-107.